

## REMARKS

### **Claim Rejections – 35 USC § 102**

Claims 1-3 and 16-18 were rejected under 35 U.S.C. 102(b) as being anticipated by Sumino et al (U.S. Patent 5,325,470).

The Applicant submits a terminal disclaimer regarding claims 4 and 10.

The Examiner has stated that Claims 6-9, 12-15, 19, 21-24 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. These claims depend from rejected claims 4 and 10 respectively. A timely filed terminal disclaimer is included to overcome the obviousness-type double patenting rejection attributed to Claims 4 and 10, hence Claims 6-9, 12-15, 19, 21-24 should be allowable as is. They are written in a shorthand notation as dependent claims from claims 4 and 10, respectively; and there are no intervening claims.

The Applicant has added new claims 25-28 that have greater specificity regarding camera rotation and detecting a vanishing point. Support for the claims is found throughout the specification and no new subject matter has been included.

Reconsideration and allowance of the claims as amended is requested for the following reasons.

The present invention is directed to a method of generating an image transform for modifying a digital image, that includes:

- a) detecting a vanishing point related to the selected image;
- b) determining a preferable vanishing point location; and
- c) generating an image transform based on the vanishing point location and the preferable vanishing point location.

### **The 102 Rejections**

In general, Sumino describes a user interface to allow a user to spatially manipulate a 3 dimensional (3D) computer graphic object to display in

on a monitor. Sumino distinguishes a “real image” from a computer graphic. See, Abstract & Title of Sumino.

Sumino estimates a vanishing point 351 in Fig. 4b more accurately by considering additional straight lines. See, (col. 6 line 64-col. 7 line 2). However, this is different from the Applicant’s preferred vanishing point location, which is based on those positions on the image plane where vanishing points should be located to produce the most pleasing image, as described on page 13, line 15 through page 14, line 27, in the Applicant’s specification.

The clear distinction between the prior art of Sumino and the claimed invention is that Sumino does not teach generating an image transform based on both an original vanishing point location and another more preferable vanishing point location, as claimed in independent claim 1.

Sumino’s transformation, cited by the examiner in the last office action and shown in Fig. 3, element number 211, describes a three-dimensional rotation transformation of the Computer Graphic (CG) having complex shape. Sumino applies the transformation to the CG (a representation of a 3 dimensional object) before converting to a flat image (Col. 5 lines 58-62). The 3D CG must then be projected to a 2D image for viewing (called “synthesis” by Sumino—see Col. 6, lines 19-28).

Therefore, Sumino’s transformation is not applied to an image; rather, the transformation is applied to a 3D CG object. As stated earlier, Sumino distinguishes the 3D CG object from a real image. Sumino’s transformation is not an image transform as claimed by the Applicant; neither does Sumino teach the claimed features of claims 2 or 3.

Claim 1 is novel because there is no teaching of step (c) as claimed by the Applicant in the cited art, therefore, the claimed feature is missing. Dependent claims 2 and 3 are dependent from claim 1 and are considered to be patentable for at least the same reasons as independent claim 1. With regard to claim 3, specifically, there is no teaching of generating the image transform in such a manner that a detected vanishing point of the transformed image is coincident with the preferable vanishing point location. No mapping of one vanishing point onto another is shown. Sumino’s transformation (found in equation 11 of col. 8) is derived from a detected vanishing point 351, but the

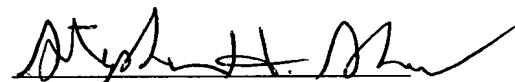
transformation does not create a transformed image having a vanishing point that is coincident with a determined preferable vanishing point location.

It is believed that the claims in the application are allowable over the cited art and such allowance is respectfully requested. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(b).

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,



Stephen H. Shaw  
Attorney for Applicant(s)  
Registration No. 45,404

SHS/RGR  
Rochester, NY 14650  
Telephone: 585-477-7419  
Facsimile: 585-477-4646